



Application/Control Number: 10/737,329  
Art Unit: 3673

April 25, 2005

Dear Ms. Saldano,

I am in receipt of the Office Action Summary dated 01/26/2005 in reply to my utility patent application.

Pursuant to (1), you are correct that I am unfamiliar with patent application procedure; however, I respectfully request that I be allowed to proffer such application based upon my engineering background and experience.

Pursuant to (2), the examiner has cited the references on form PTO-892, and they have, thus, been considered hereto.

Pursuant to (3), I have modified the drawings as directed with regard to the valve, controller and moisture sensor so that they are canceled from the claim(s). The claim(s) were intended to include the use of commercially available valves, controllers and moisture sensors operating the apparatus. There was no intent to patent the actual devices themselves, merely the use of same to operate the apparatus. The drawings now state "Replacement Sheet" in the page header(s).

Pursuant to (4), I have modified the claims section by removing the quotation marks in accordance with the examiner's suggestion. In addition, the term "water/nutrients" has been clarified to the intended term "water or nutrients" in order to be more explicit. I have clarified claim 4 in order to remove the "said delivery conduits" to provide a proper basis for claim terminology. I found that the Claims section of the application does in fact begin on a new, separate page – as submitted.

Pursuant to (5), I understand the paragraphs of 35 U.S.C. 102 that form the basis of the examiner's rejections under this section made in the aforementioned Office action. However, I respectfully request that the examiner reevaluate the rejection(s) based upon these paragraphs.

Pursuant to (6), referring to Claims 1, 2 and 4-6 as being anticipated by Mathis (3,256,693), this patent clearly states that "This invention is concerned with a subsurface irrigation device", as stated on the front page of referenced utility patent. Subsurface irrigation devices delineate design complexities inherent in such devices. My invention avoids these complexities entirely. With regard to the disclosure that the invention "is connected to a water source supplying pressure....." all irrigation devices include water supply pipes or conduits such as I describe in my invention. Yet, there are many such utility patents utilizing such a description. Also, Mathis describes a subsurface irrigation system whereby the area below the root zone is soaked and the water "is required to soak through the earth upwardly around the roots of the plants." This system is quite different than the system I describe. My invention is clearly defined as a "surface irrigation

system". It disperses water or nutrients downward through the root zone and is absorbed into the soil. This absorption is facilitated by the column produced by the pressurized jet of water provided by the individual injectors. None of this feature is apparent by the Mathis' invention.

Regarding claim 2, again Mathis is describing only a subsurface irrigation system. I would respectfully suggest that almost all irrigation systems incorporate a shut-off valve and control valve.

Regarding claim 6, the fact that Mathis describes distribution conduits spaced at pre-selected locations along the supply conduits in parallel in relationship to each other has not bearing on my invention. Even common standard sprinkler systems could state the same. Many are evenly spaced at pre-selected locations in parallel to each other. This fact has not precluded other utility patents similar to my invention.

Pursuant to (7), I understand the intent of 35 U.S.C. 103(a) which forms the basis of the examiner's rejections set forth in the Office action.

Pursuant to (8), I respectfully argue that Mathis has clearly defined his utility patent as being a "subsurface irrigation device", period. I see nothing that would even remotely infer the use of such a system on the surface of a lawn. It would be ludicrous to assume such a system. It would not be practical in any circumstance. The reference to Lichfield (5,938,372) is again a subsurface irrigation apparatus and method. This patent is specific to an underground irrigation system. The fact that it has similarities to my invention would be expected, rather than a cause for rejection.

Pursuant to (9), Claims 7-10 of my invention have no bearing on a specific "subsurface irrigation system" such as that of Lichfield (5,938,372). There is no discussion or inference that such a system would be used as a surface irrigation system. My unique invention avoids all the pitfalls of subsurface irrigation systems because the water injection nozzles "clean themselves" of such adverse agents as earwigs, slugs, snails, mealy bugs, plant roots, etc. that will clog all subsurface irrigation systems. My invention is clearly unique and should be obviously patentable over these costly, cumbersome, underground irrigation systems. This is why subsurface irrigation systems are quite rare. They are far too complex and costly. I have been using my invention for twenty years with great success and at very, very low cost.

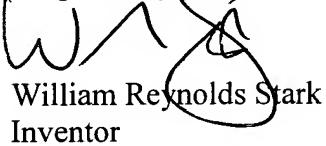
Pursuant to (10), I again take issue with the grounds of rejection of my invention as it relates to a "subsurface irrigation system" described by Mathis. My invention is clearly not intended as a lawn-watering device as is Mathis' invention. So how could my invention be unpatentable over Mathis (3,256,693)? These inventions are totally different in application and function. There are some commonalities, but one would expect commonalities in many, many irrigation systems just by the nature of the art. One must consider the uniqueness of the apparatus and its exact application.

Pursuant to (11), this inventor did a thorough patent search to preclude the kinds of issues which the examiner has brought up in this response to my utility patent application. I wanted to be sure that there was no existing device that would preclude the patentability

of my invention. I still believe that my conclusion is correct. I respectfully request that the United States Patent and Trademark Office reassess this application based upon this missive. You have cited Gibson (3,874,590), Sowry et al (US2003/0133753-A1), Sowry (US2002/0034420-A1) and Albright et al (6,652,188) disclose features that a pertinent to the present application.

Gibson (3,874,590) merely describes a moisture responsive apparatus for controlling the moisture content of soil. Albright (6,652,188) describes a fluid coupled control system for irrigation. These patents do not conflict with my utility patent application but actually support it. These devices could be included in any sophisticated control system that my device might employ to further facilitate its use in a particular application. My apparatus and device is unique to any and all of the patents quoted in this communication.

Respectfully yours,



William Reynolds Stark  
Inventor

Encl: Requested revisions and clarifications